

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 89107

Monroe Associates
Joseph Seipp, Jr. Resident Agent
304 Ive Church Road
Lutherville, MD 21093

9711 Monroe Street

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 30, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 204, Article 4B section 101, 102: operation of a massage establishment in a RO zone not permitted, operation of a brothel in any zone not permitted on commercial property.

On February 14, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$22,400.00 (twenty two thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Joseph and DeChenile Seipp, Respondents, Michael Wyatt, Esquire, representing the Seipps, Detective Blackburn, Baltimore County Police Department Vice Unit and, Robyn Clark, Baltimore County Code Enforcement Officer.

Appearing but not testifying: Jason O'Conner, Private Detective hired by the Seipps and, Frederick Hearn, Real Estate Broker.

Testimony was presented by Detective Blackburn that, in the course of an investigation, he participated in a raid on the subject property, accompanied by Inspector Clark. The raid revealed two women working and living on the premises. Two massage tables, used condoms, \$400.00 in cash, and a cache of dirty towels were also seized. Further inspection also revealed a kitchen, and apparent living space, including numerous extension cords connected to the same outlet in a clearly dangerous condition. No smoke or CO2 detectors were in use, and upon demand, no licenses of any kind were presented. Through the use of an interpreter it was ascertained that the two Asian women were in fact living and "working" on the premises. As a result of the raid the women were charged with prostitution and, since the property is zoned RO, a citation was issued 2/15/11 for the use on the premises as a "massage parlor". The owners were extremely cooperative and very forthcoming when contacted by the Police and served with the citation. They readily admitted renting the location and agreed that they had not overseen, supervised, or confirmed exactly what the premises were being used for. Detective Blackburn stated that it was his opinion that the Respondents truly had no knowledge of the purposes for which the premises were being used. He further noted that their cooperation and information provided has been helpful in cases involving over twenty-five women at a number of other locations.

Inspector Clark confirmed that at a pre-hearing inspection the premises were closed and no further non-compliant activities were being carried on at the subject property.

Counsel for the Respondents proffered on their behalf that they, in fact, had no knowledge of what was being done at their property. He noted that the downstairs tenant was a legitimate "non profit" organization and that the Respondents had always been good landlords. He assured, for the record, that in the future they would confirm the legality of their tenant's uses and would periodically monitor those uses.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$22,400.00 (twenty two thousand four hundred dollars).

IT IS FURTHER ORDERED that the \$22,400.00 civil penalty be and hereby is SUSPENDED in its entirety.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

IT IS FURTHER ORDERED that the \$22,400.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

ORDERED this 8th day of April 2011

Signed: ORIGINAL SIGNED
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

LMS/jaf